

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH DOWNING, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ANAVEX LIFE SCIENCES CORPORATION
and CHRISTOPHER U. MISSLING,

Defendants.

Case No. 1:24-cv-03529-CM

**DECLARATION OF THEODORE L. KORNOBIS IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS**

I, Theodore L. Kornobis, hereby declare pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am admitted to the Bars of the State of New York and the District of Columbia, and I am admitted to this Court.

2. I am a partner with the law firm of K&L GATES LLP, attorneys for Defendants Anavex Life Sciences Corporation ("Anavex") and Christopher Missling ("Mr. Missling") (collectively, "Defendants") in the above-captioned action.

3. I submit this Declaration based on my personal knowledge in support of Defendants' Motion for Summary Judgment, filed August 23, 2024.

4. Annexed hereto as Exhibit 1 is a true and correct excerpt of the Form 10-K filed by Anavex with the Securities and Exchange Commission ("SEC") for the fiscal year ended September 30, 2023, a full copy of which is publicly filed and available on the SEC website.

5. Annexed hereto as Exhibit 2 is a true and correct excerpt of the Form 10-K filed by Anavex with the SEC for the fiscal year ended September 30, 2022, a full copy of which is publicly filed and available on the SEC website.

6. Annexed hereto as Exhibit 3 is a true and correct copy of a press release issued by Anavex on June 21, 2021, titled “Anavex Life Sciences Announces ANAVEX®2-73Biomarker Correlated with Efficacy Endpoint in Trial.”

7. Annexed hereto as Exhibit 4 is a true and correct copy of a transcript of the Anavex Management Discussion held on February 1, 2022, titled “ANAVEX 2-73 (Blarcamesine) AVATAR Phase 3 Trial met Primary and Secondary Endpoints for the Treatment of Adult Patients with Rett Syndrome,” as prepared from audio by BIG Language Solutions.

8. Annexed hereto as Exhibit 5 is a true and correct copy of the presentation slide deck titled “AVATAR Phase 3 RS-002 Rett Syndrome Top-Line Clinical Trial Data ANAVEX®2-73 (blarcamesine),” which is attached to Anavex’s Form 8-K, filed February 2, 2022, a full copy of which is publicly filed and available on the SEC website.

9. Annexed hereto as Exhibit 6 is a true and correct copy of a document issued by the U.S. Food and Drug Administration (FDA) titled, “Guidance for Industry Patient-Reported Outcome Measures: Use in Medical Product Development to Support Labeling Claims,” dated December 2009.

10. Annexed hereto as Exhibit 7 is a true and correct copy of a transcript of the Anavex First Quarter 2022 Earnings Conference Call, held on February 9, 2022, as provided by S&P Global Market Intelligence.

11. Annexed hereto as Exhibit 8 is a true and correct copy of a transcript of the Anavex First Quarter 2023 Earnings Conference Call, held on February 7, 2023, as prepared from audio by BIG Language Solutions.

12. Annexed hereto as Exhibit 9 is a true and correct copy of a press release issued by Anavex on June 6, 2023, titled “Completion of ANAVEX®2-73 (blarcamesine) EXCELLENCE Phase 2/3 Rett Syndrome Clinical Trial.”

13. Annexed hereto as Exhibit 10 is a true and correct copy of a press release issued by Anavex on June 12, 2023, titled “Anavex Life Sciences Reports Publication in Medical Journal for Continued Commitment to Improve RSBQ.”

14. Annexed hereto as Exhibit 11 is a true and correct copy of a press release issued by Anavex on August 8, 2023, titled “Anavex Life Sciences Reports Fiscal 2023 Third Quarter Financial Results.”

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of August, 2024, at Washington, DC.

By: /s/ Theodore L. Kornobis
Theodore L. Kornobis

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